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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,805	06/29/2001	Klaus Fallak	HH 273-KFM ABP 102-US	2841

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04/18/2003

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/899,805

Applicant(s)

Fallak

Examiner
Lincoln Donovan

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 3, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 6) ☐ Other:

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DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities: applicant should thoroughly review the specification for spelling and grammatical errors. For example, on page 15 "element2.1" should be "element 2.1" and on page 16, "2 in" should be 2 and in."

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 35-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 35, lines 4-5, applicant should clarify what is intended by "a basic position magnet arrangement." The structure of the magnet arrangement "securing" the disk body is not clear. Applicant should clarify the intended movement provided by the "motion element." As claimed, the structure to enable such movement is not clear. The structure and arrangement of the "motion element" is not clear.

Regarding claim 36, applicant should clarify the structure of the "position selecting means" for determining the relative position of between the base body and the housing body.

Regarding claim 41, it is not clear what applicant intends by a "dimming element."

Regarding claim 43, there is no antecedent basis for "the tip switch recess."

Regarding claim 44, it is not clear what location applicant intends by "a final plate element of the rotor hollow body." There is no antecedent basis for "the rotor hollow body."

Regarding claims 46, 48-49, it is not clear what applicant intends by "display hall switch."

Regarding claim 48, there is no antecedent basis for "the rotor hollow body" or the "stator body element."

Regarding claim 53, there is no antecedent basis for "the rotor hollow body."

Regarding claim 54, there is no antecedent basis for "the stator."

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Regarding claim 59, applicant should clarify what is intended by "as one half magnetic north pole..."

Regarding claim 65, there is no antecedent basis for "the magnet element," "the switching sound-ring magnet element" or "the counter magnet element."

Regarding claim 66, applicant should clarify how the motion element is formed as a groove.

Regarding claim 68, there is no antecedent basis for "the tilt magnetic element."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 35-36, 39-44, 46-47, 48-51, 52-56, 59 and 65-68, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/26341 in view of Miyazawa [US 5,698,909].

WO 98/26341 discloses a position selector device comprising:

- a base body [20];
- a metallic housing body [10] at least partially surrounding the base body;

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- a disk body [4] mounted on the housing body and cooperating with detector elements [6.1];
- and
- motion elements [32.1-32.4] cooperating with the disk body.

WO 98/26341 disclose the instant claimed invention except for: the specific structure of the disk body and the components thereon.

Miyazawa discloses a switching element [figure 1] mounted within a casing [30] having a driving element [5] cooperating with a body [2] with labels [d1-d3] thereon arranged for tilt/rotational movement to operate a plurality of hall sensors [6-8] with permanent magnets [3-4].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a switching structure similar to that of Miyazawa in WO 98/26341, for the purpose of enabling multiple switching functions.

To provide detents on the actuator would have been obvious as a means to provide a tactile response to the desired switching function.

Allowable Subject Matter

7. Claims 37-38, 45, 57-58, 60, 61-63 and 64 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LDD

April 16, 2003


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100